

REMARKS

In an Office Action dated 17 April 2006, the Examiner issues a Restriction Requirement pursuant to 35 U.S.C. §§121 and 372 involving claims 1-45. Specifically, the following claim groups are identified: (1) claims 1-29; (2) claims 30-37; (3) claims 38-42; (4) claim 43; and (5) claims 44-45. Notably, claim 46 is not addressed. The Examiner further identifies the following species: (A) Figure 2; (B) Figure 3; (C) Figure 4; (D) Figure 15; and (E) Figure 16. Claim 1 is indicated as being generic. The Examiner alleges that the enumerated claim groups and the various species are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In order to make a proper lack of unity of invention requirement, the examiner must:

“(1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.” MPEP 1893.03(d).

The second requirement for making a lack of unit rejection is not satisfied in the outstanding Office Action. Particularly, the Office Action does not address how claim groups 4 and 5 lack unity with respect to each other. Instead, the Examiner twice address the inventions listed in groups 2 and 3. That is, paragraphs 6 and 9 of the Office Action both call out and address groups 2 and 3. Additionally, the unique special technical feature is not specifically described with regards to groups 2 and 3 and groups 3 and 5. See, Office Action, paragraphs 6 and 11. Instead, only the utility of these claim groups is addressed. Moreover, the Office Action does not indicate which group claim 46 belongs to.


Accordingly, for at least these reasons the outstanding unity rejection is improper and may not be maintained. Thus, Applicant requests withdrawal of the present requirement and commencement substantive examination or issuance of a proper unity requirement.

The Examiner is invited to contact Applicant's attorneys at the below-indicated telephone number regarding this Reply or otherwise concerning the present application.

Applicant hereby petitions for any necessary extension of time required for consideration and entry of the present Reply.

Please charge any required fees for this Reply, or otherwise concerning the present application, to Deposit Account No. 06-1130 maintained by Applicant's attorney.

Respectfully submitted,
CANTOR COLBURN LLP

By: 
Daniel F. Drexler
Registration No. 47535
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone: 860-286-2929
Customer No. 23413

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